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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,923	03/30/2001	Dietmar Loy	1941P	7690

7590 08/04/2004

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EXAMINER

CARDONE, JASON D

ART UNIT PAPER NUMBER

2145

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/821,923

Applicant(s)

LOY ET AL.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892) \*
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: See Attached Office Action.

### DETAILED ACTION

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "200". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "114" and "310". Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required.

3. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities:

Page 3, Line 14: "204" is suggested to be "206".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 6, 8, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pardillos, USPN 5,642,482.

7. Regarding claim 6, Pardillos discloses a method for supporting a network protocol, comprising the steps of:

receiving a data packet from a medium [Pardillos, col. 5, lines 48-51 and col. 7, lines 62-67];

unpacking lower layers of the network protocol for the data packet by a second processor according to program instructions in a memory [ie. second microprocessor, Pardillos, col. 5, lines 48-63 and col. 7, lines 64-67]; and

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unpacking upper layers of the network protocol for the data packet by a first processor according to the program instructions in the memory [ie. third microprocessor Pardillos, col.6, lines 1-24 and col. 8, line 33-41].

8. Regarding claim 8, Pardillos further discloses unpacking layers one and two of the network protocol for the data packet according to the program instructions in the memory, resulting in an interim data; placing the interim data in a data memory; and

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sending an interrupt from the second processor to the first processor [ie. DRAM, Pardillos, col. 6, lines 1-48 and col. 7, line 64 – col. 8, line 11].

9. Regarding claim 9, Pardillos further discloses receiving an interrupt by the first processor; fetching an interim data from a data memory by the first processor; and unpacking layers three through seven of the network protocol for the interim data by the first processor according to the program instructions in the memory [ie. DRAM, Pardillos, col. 6, lines 1-48 and col. 7, line 64 – col. 8, line 11].

10. Regarding claim 11, Pardillos discloses a method for supporting a network protocol, comprising the steps of:

obtaining a data by a first processor [ie. third microprocessor, Pardillos, col. 8, line 60 – col. 9, line 8];

packing upper layers of the network protocol for the data by the first processor according to program instructions in a memory [ie. third microprocessor Pardillos, col.6, lines 1-24 and col. 8, line 33-41]; and

packing lower layers of the network protocol for the data by a second processor according to the program instructions in the memory [ie. second microprocessor, Pardillos, col. 5, lines 48-63 and col. 7, lines 64-67].

11. Regarding claim 12, Pardillos further discloses packing layers three through seven of the network protocol for the data by the first processor according to the

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program instructions in the memory, resulting in an interim data; and storing the interim data in a data memory [ie. DRAM, Pardillos, col. 6, lines 1-48, col. 7, line 64 – col. 8, line 11 and col. 8, line 60 – col. 9, line 8].

12. Regarding claim 13, Pardillos further discloses fetching an interim data from a data memory by the second processor; and packing layers one and two of the network protocol for the interim data by the second processor according to the program instructions in the memory [ie. DRAM, Pardillos, col. 6, lines 1-48, col. 7, line 64 – col. 8, line 11 and col. 8, line 60 – col. 9, line 8].

13. Regarding claims 1 and 2, claims 1 and 2 have similar limitations as claims 6, 8 and 9. Therefore, they are rejected under Pardillos for the same reasons set forth in the rejection of claims 6, 8 and 9 [Supra 6, 8 and 9].

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***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardillos in view of Akatsu et al. ("Akatsu"), USPN 6,505,255.

17. Regarding claims 3 and 7, Pardillos substantially discloses the claimed invention. Pardillos does not specifically disclose an analog-to-digital converter coupled to the second processor and a digital-to-analog converter coupled to the second processor. However, Akatsu, in the same field of endeavor, discloses ADC and DCA converters for a processor inside a computer [Akatsu, col. 7, line 60 – col. 8, line 15]. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate converting data, taught by Akatsu, into the computer system, taught by Pardillos, in order to communicate between analog and digital.

18. Claims 4, 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardillos, in view of Kobayashi et al. ("Kobayashi"), USPN 5,142,528.

19. Regarding claims 4, 5, 10 and 14, Pardillos substantially discloses the claimed invention. Pardillos does not specifically disclose determining if the network protocol is to be changed, fetching program instructions for a new network protocol if the network

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protocol is to be changed, and storing the program instructions for the new network protocol in the memory. However, Kobayashi, in the same field of endeavor, discloses determining if a network protocol is to be changed, fetching program instructions for a new network protocol if the network protocol is to be changed, and storing the program instructions for the new network protocol in memory [Kobayashi, col. 2, lines 29-38, col. 3, lines 22-50 and col. 4, lines 15-44]. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate changing network protocol, taught by Kobayashi, into the computer system, taught by Pardillos, in order to dynamically select communication protocols.

### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

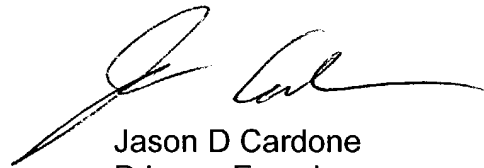
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2142

July 9, 2004